G. R. S. 58]

Previous references.
Jud. 70-13 (1, 26-8).
Forest 73-72.

1914. 5
(Courts)

File No. 90-14
Serial Nos. (1)

Later references.
Ec. 287-15 (1-2)
Law 265-47 B 1-5

may be preserved
Arn
14/6/26

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. (1)

Part B for Nov-15

SUBJECT.

Steps to prevent appeals against orders of acquittal becoming time barred.

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1) To The Dy Comrs of Dts } J 1600-49
" Head of Depts } Dy 2.11.15.

Direct the Hds of Depts to impress upon their local representatives that it is their duty to keep themselves in touch with the trial & take timely steps to file appeals shd the decision be found to be unsatisfactory.

GPB—10,000—26-3-15

H. Thompson
1.25.11.15.

Jmis/187-14

G.R.S. 11] 1914-15

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 90 of 1914

FILE HEADING.

Steps to prevent appeals against orders of acquittal becoming time-barred.

From

No. Dated Received

Diary No. | Enclos. Spare Copies. | Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

Letters hereto — Dy: Secy's note in Jmis file 73 of 1913:

" will be files after perusal.

The Govt. Advocate has anticipated that the appeal would be dismissed as being time-barred.

2) To avoid such delays it seems to be necessary

NOTES—First Sheet.

GPB—30,000—12-8-11

G. R. S. 12]

General and Revenue Secretariat. | Cl. File No. 98 of 1914-15

Serial No.

to issue instructions to all Heads of Department that whenever a prosecution in which a department is interested is ordered, it is the duty of the local representative of the department ~~concerned~~ to keep in touch with the trial and take timely steps to file appeal, should the decision be unsatisfactory. What now happens is that the department ceases to take an interest in the case as soon as a charge-sheet is placed before the Magistrate, there being an impression that the subsequent responsibility for the trial is with the Police or the Public Prosecutor, with the result that many of these prosecutions end in nothing.

3) If the above views are approved, the suggestions will be referred to Br III for such action as may be deemed expedient.

(Td) P.G.D. Dy 20-8-14

Second Member's note :-

4) "Yes. I approve of the suggestion."

(Td) M.W.K Dy 20.8.14

Sub.

5) In G.P. Dated 20th Oct 1916 Govt have impressed upon all Heads of the Police Dept.

E
Jm. 359-15

NOTE—Contn. sheet.

GPB—03,000—15-9-14

G. R. S. 12]

General and Revenue Secretariat. | Cs File No. 90 of 1914-15

Serial No.

D

J 2378-86

Cs 145-10-1

the necessity for promptness in such matters and in the subsequent G.O. of 20th Feb.y 1911 similar instructions have been conveyed to the District Magistrate.

6) A draft order on the lines suggested by the Dy Sec.y is put up.

Kg. 116

24-10-1914

7) Pleas put up the draft file referred to in the Dy Sec.y's note.

Kg 31/10

I regret that by oversight this was kept by for long time

Kg 1

Appeal against orders passed by Police ~~Secretary~~ to be standardized

8) In cases where the Public Prosecutor appears and conducts the Prosecution, the standing orders make sufficient provision for obtaining copies & sending them to the Dt. Magistrate with a view to enable them to consider whether an appeal must be recommended. It is only in cases where the prosecution is conducted by the Magistrate, that this proposed rule is required. The prosecution in such cases is conducted by the subordinate staff of the Department itself, or by the Prosecuting Inspectors assisted by the Departmental staff. In either case there will be no difficulty in getting the

NOTE—Contn. sheet.

GPB—03,000—15-9-14

Jour 187-14.

(4)

G. R. S. 12]

General and Revenue Secretariat. | Ch. File No. 90 of 1914-15

Serial No.

required information, and in taking the necessary action for filing the appeal.

9) The draft is intended only to remind the Departmental officer that it is their duty to take the necessary action, it may kindly be approved.

Eg 16/8

First Member)

10) I do not like the procedure of issuing a general Circular on the occurrence of each individual instance. How many such cases have occurred within a year? It is I should think fairly well known that there is a period of limitation for appeals.

Ch 17/8

16/8/15

Hon 17/8

Eg 17-8

11) Besides the first case in which the suggestion of issuing a circular was made, only one other case (of the year 1913) in which appeal became time-barred-cases could be traced.

Vide Page F (marginal note)

P.T.O.

NOTE—Contn. sheet.

GPB—03,000—15-9-14

J Rev 187-14

(5

G. R. S. 12]

General and Revenue Secretariat.

(5 File No. 90 of 1914-15

Serial No.

12) The Circular proposes aims at keeping the local representatives of departments in touch with the trial & result of cases pertaining to their departments even after a charge sheet has been placed before a Magistrate so that the impression in them that the subsequent responsibility rests with the Police or Mag. may be removed.

Dy.
28/9/15

13) Only one Min case is said to have occurred, but Min words do not explain Commg the grounds for the delay in moving the Govt for filing the appeal.

29/9

Eg
30/9

First Member)

14) I do not see any necessity for a Circular. Please submit again to 2nd Member if he still wishes, the Circr may go.

14/10/15

Omr 15/10

15) Submitted for favour of orders

Eg
17.10

16) Second Member) I see no harm in issuing this Circular as it will

g Mis 187-14

(6

G. R. S. 12]

General and Revenue Secretariat.

CS File No. 90 of 1914.

Serial No.	
	On a matter of reminder to the Heads of Depts. It was Sent well
	19/10 Sent 20/10
	13/11
	ES 21/10
1	To the Heads of Depts. the Deputy Comrs of Dts. No J 1600-49 2-11-1915 Directs them to impress upon their local representatives that it is their duty to keep themselves in touch with the trial and take timely steps to file appeals should the decisions be found to be satisfactory.

NOTE—Contn. sheet.

GPB—20,000—30-6-15.

Issuing instructions to Heads of Depts to direct their local representatives to keep themselves in touch with the trial of cases in which such depts are interested. (7

1 & 2

G.R.S. 28]

24/5 & 4 others

File No. 900/1914

Serial No./

Diary No. of letter replied to _____

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

~~READ~~

, *the* 191 .

Date of issue 2/11/1915.

Signed by G. Sreenivasa Iyer.

ORDER ~~THEREON~~.—No. G 1600-49.

Instances having come to the notice of Govt in which Departments of Govt interested in the prosecution of Members cease to take such interest as soon as a Charge sheet is placed

P.T.O. over.

SUBJECT.

D/10

before a Magistrate with the impression that the subsequent responsibility in the ~~trial~~ successful termination of the trial rests with the Police or the Public Prosecutor. This attitude on the part of the local representatives of the Department concerned has not only led to the failure of such prosecutions but also to the appeals against the decisions of subordinate Magistrate when preferred to the appellate Court being dismissed as unjustified.

~~To avoid such delays~~ Therefore, Govt are pleased to direct ~~that~~ the Heads of Department ~~concerned~~ to impress upon their local representatives that it is their duty to keep themselves in touch with the trial and take timely steps to file appeals should the decisions be found to be unsatisfactory.

GS 17/5

for MS: JS to Govt

To The Heads of Dept
Dy Comrs of Dists

Endt. 116 dt 30.10.14

Submitted.
Will issue in print if approved.
Sd/-
17/5

GPB-24004-200-11

Appeals against the Decisions in Departmental Prosecutions.

No. J. 1600-49—Cts. 90-14-1, dated 2nd November 1915.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

Order No. J. 1600-49—Cts. 90-14-1, dated 2nd November 1915.

Instances have come to the notice of Government in which departments of Government interested in the prosecution of offenders cease to take such interest as soon as a charge sheet is placed before a Magistrate with the impression that the subsequent responsibility for the successful termination of the trial rests with the Police or the Public Prosecutor. This attitude on the part of the local representatives of the departments concerned has often led not only to the failure of such prosecutions but also to the appeals against the decisions of subordinate Magistrates when preferred to the appellate courts being dismissed as time-barred.

Government are therefore pleased to direct the Heads of Departments to impress upon their local representatives that it is their duty to keep themselves in touch with the trial and take timely steps to file appeals should the decisions be found to be unsatisfactory.

D. M. NARASINGA RAO,
Secy. to Govt., Gen. Dept.

To—The Heads of Departments, and Deputy Commissioners of Districts.

Exd- -C. R.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. J. 1600-49—Cts. 90-14-1, dated 2nd Nov. 1915

Appeals against the Decisions in Departmental Prosecutions.

Directing the local representatives to take timely steps to file—

W. D. 1076—GPB—13-11-15—500